

and	:
	:
MEREDITH LNU	:
c/o Waffle House	:
7312 Kingsgate Road	:
West Chester, OH 45069	:
	:
Defendants.	:

I. PRELIMINARY STATEMENT

1. This is a civil rights action against a West Chester, Ohio Waffle House restaurant for racial discrimination against four Black customers. Plaintiffs Kelli Scott, Travis Logan, Treyken Addison, and Whitney Logan were denied service at the Waffle House but all the white customers, even those who came in after them, were given prompt service. When the four Black customers asked why they were being denied service a waitress named Meredith ordered them to get out and called 911. Four units and a K-9 responded to her call, detained and questioned the four Black customers, and eventually decided to let them go since no crime had occurred. Plaintiffs allege violations of the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981 and Ohio Revised Code § 4112.99. Plaintiffs seek an injunction requiring Waffle House to end its racist practices in West Chester, Ohio, compensatory damages, punitive damages, and reasonable attorney fees.

II. JURISDICTION

2. This Court has jurisdiction over the federal claims pursuant to its federal question jurisdiction, 28 U.S.C. § 1331. This Court may exercise supplemental jurisdiction over the state law claims against the defendants under 28 U.S.C. § 1367.

III. PARTIES

3. Plaintiff Kelli Scott, is a citizen of the state of Michigan. Ms. Scott is a Black female.
4. Plaintiff Travis Logan is a citizen of the state of Ohio. Mr. Logan is a Black male.

5. Plaintiff Treyken Addison is a citizen of the state of Michigan. Mr. Addison is a Black male.

6. Plaintiff Whitney Logan, is a citizen of the state of Ohio. Ms. Logan is a Black female.

7. Defendant Waffle House, Inc. is a Georgia corporation licensed to conduct business in Ohio. Waffle House has a restaurant (“the restaurant”) located at 7312 Kingsgate Road, West Chester, Ohio.

8. Defendant Shearer Foods is an Ohio corporation that operates the Waffle House restaurant located at 7312 Kingsgate Road, West Chester, Ohio. George Shearer is the owner/operator of Shearer Foods. Shearer Foods does business as Waffle House.

9. Defendant Meredith LNU was at all times relevant to this action a waitress at the Waffle House restaurant located at 7312 Kingsgate Road, West Chester, Ohio. She was employed by Waffle House, Inc. and/or Shearer Foods, and/or George Shearer.

IV. STATEMENT OF FACTS

10. Whitney Logan and Travis Logan are siblings and are friends with Ms. Scott and Mr. Addison. At the time of the discrimination Ms. Logan was a student at The Ohio State University. Her brother, Travis Logan, worked for Xerox in Michigan. Mr. Addison was a student at the University of Toledo. Ms. Scott was a long time employee of IBM in Michigan. None of these four friends live in the West Chester, Ohio area, however they were traveling together in West Chester the weekend of October 12, 2008 to attend a family gathering to celebrate Mr. Logan’s birthday.

11. At around 2:30 a.m. on October 12, 2008, Ms. Scott, Mr. Logan, Mr. Addison and Ms. Logan entered the Waffle House restaurant on Kingsgate Road in West Chester, Ohio. The two women took seats at the counter, while the two gentlemen stood behind them. There was at least

one empty seat at the counter and one empty booth. All the customers in the restaurant appeared to have been served and were eating. All the customers appeared to be white. There were three white waitresses in the restaurant at the time the four arrived. No Waffle House employee acknowledged the four Black customers; nor greeted them, gave them place mats, silverware or water for at least 10 -15 minutes. The four friends waited and looked at the menus that were on the counter to decide what to order.

12. After about 10 -15 minutes a waitress named Meredith told the group, "It would be 30-40 minutes." The four were surprised by this long wait for service because nothing was cooking on the grill and it appeared all the customers had been served their food. These four Black customers were the only customers who needed to be waited on. Since they were hungry and did not know of any other restaurant in the area that was open that late, they decided to wait.

13. While they waited, a group of four white people came in and sat at the empty booth. Within one minute of their arrival, the white group was greeted, given place mats, silverware, water, and their orders were taken. Meredith even began cooking one of their orders. For the first time the four Black friends realized they were the only Black customers in the restaurant.

14. Another 10 minutes passed before a waitress came over to take Ms. Scott and her friends' order. Mr. Logan remarked that it was quicker then the 30-40 minutes Meredith had said it would take. Meredith heard him and told the waitress not to serve them. Meredith then turned on the four Black customers and said, "You're done!" and drew her finger across her throat. Meredith said they would not be served and yelled, "GET OUT!" The four asked why they were being denied service and Meredith responded she did not like their attitude said she had something better to do than serve them, like take out the trash or do dishes. Meredith also said she had the right to deny service and took out her cell phone to call the police. Meredith told

them to get out and threatened that the police were on their way. Meredith falsely reported to the West Chester Police that the four were “being rude” and were “being ignorant.”

15. After being told to get out and that the police were being called the Plaintiffs began to leave the restaurant. On their way out Ms. Scott said she could not believe the Waffle House was being racist. Meredith yelled at her to, “GET OUT!”

16. When the four friends left the restaurant the police had not arrived, yet they decided to wait for the police so they could report being discriminated against. Four police cars arrived with four officers and one K-9 dog. Instead of taking their complaint, the police detained and questioned the four Plaintiffs while two officers went inside the restaurant to investigate Meredith’s criminal complaint. The police eventually realized no crime had been committed by the four Black customers and let them leave. The police did not investigate their claim of racial discrimination; instead, the police told them, “next time, go to IHOP.”

17. Several white patrons in the restaurant pointed and laughed at the Plaintiffs who are being detained in the parking lot. Two white patrons left the restaurant and told Mr. Logan and Mr. Addison that they had seen how they were treated and apologized to them.

18. The entire experience was humiliating to these four Black customers. Each one has reacted differently to being discriminated against. Mr. Addison, who is the President of the Black Student Union at his University, was angry and devastated when he was denied service and was investigated by the police. He has had flash backs to that night. Ms. Logan was shocked to learn firsthand that racism still exists as blatantly as it did in the 1960’s. She naively believed this type of treatment was a thing of the past. Not only was the Waffle House staff hostile to her, so were some of the white patrons who laughed at them after they were thrown out. Mr. Logan was upset at being treated like a criminal just because of his race. Ms. Scott was

afraid they would be arrested when she saw the 4 police cars and K-9 arrive. She has humiliated and embarrassed at being singled out as a criminal.

19. As a direct and proximate result of Defendants' conduct Plaintiffs were denied service on the basis of their race. They were not served while white customers who came in after them were served. They were treated in a hostile manner, ordered to get out of the restaurant for no legitimate reason, and were falsely reported to the police.

20. The use of racially discrimination toward its Black customers was consistent with the custom, policy and practice of Defendants Waffle House and Shearer Foods at their Kingsgate restaurant.

21. Defendants Waffle House and Shearer Foods failed to train, supervise, or discipline its employees, including Defendant Meredith LNU, with regard to their discriminatory and unlawful conduct.

22. As a direct and proximate result of Defendants' conduct, each Plaintiff has suffered and will continue to suffer damages from humiliation, embarrassment, disgrace, anguish, and mental and emotional distress.

V. FIRST CAUSE OF ACTION - 42 U.S.C. § 1981 – RACE DISCRIMINATION

23. Defendants violated each Plaintiffs' right to be free of racial harassment under the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981 *et seq.*

VI. SECOND CAUSE OF ACTION - § 4112 - DENIAL OF SERVICES OF A PLACE OF PUBLIC ACCOMMODATION

24. Defendants denied each Plaintiff the full enjoyment of a place of public accommodation in violation of Ohio Revised Code § 4112.02(G).

XIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand that the Court:

- A. Issue a permanent injunction requiring Defendants Waffle House, Inc. and Shearer Foods to end all racial discrimination at the Waffle House on Kingsgate Road, West Chester, Ohio;
- B. Award each Plaintiff compensatory damages in an amount to be shown at trial;
- C. Award each Plaintiff punitive damages in an amount to be shown at trial;
- D. Award each Plaintiff reasonable attorney's fees and costs;
- E. Award each Plaintiff pre- and post-judgment interest;
- F. Grant to each Plaintiff such additional relief as the Court deems just and proper.

Respectfully submitted,

/s/ Jennifer L. Branch
Alphonse A. Gerhardstein #0032053
Trial Attorney for Plaintiffs
Jennifer L. Branch #0038893
Attorney for Plaintiffs
GERHARDSTEIN & BRANCH CO. LPA
432 Walnut Street #400
Cincinnati, Ohio 45202
(513) 621-9100
(513) 345-5543 fax

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues triable by a jury.

/s/ Jennifer L. Branch
Jennifer L. Branch